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OCA #083303

ORDINANCE NO. 49-011

AN ORDINANCE AMENDING SECTIONS 6.08.010; 6.08.030; 6.08.060 AND 6.08.070 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXOTIC ANIMALS AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 6.08.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 6.08.010. Definitions.

As used in this chapter:

'Dangerous wild animals' means, including, but not limited to, coyotes, bobcats, foxes, wolves, lions, tigers, leopards, jaguars, cheetahs, mountain lions, or any hybrid thereof; bears or any hybrid thereof; other carnivorous animals of a similar nature and species and venomous reptiles.

'Exhibitor' means a person whose business involves the showing or displaying of animals to the public and who is a Class C USDA licensee as defined by 9 C.F.R. § 1.1, as amended.

'Health officer' means the director of Environmental Services or his or her authorized representative.

'Secondary perimeter' means a fence, rope, elevation separation such as a stage, or some other physical arrangement as may be approved by the health officer Chief of Police or designee by which the public is kept at such a distance from an animal as to avoid accidental or intentional contact with animals.

'USDA license' means a person licensed as a breeder (Class A), dealer (Class B) or exhibitor (Class C) in accordance with 9 C.F.R. § 1.1, et seq., as amended.

'USDA licensed facility' means a facility for the housing of dangerous wild animals operated by a person with an USDA license.

'Veterinary clinic' means a facility for the care and treatment of animals operated by a doctor of veterinary medicine licensed by the state of Kansas.

SECTION 2. Section 6.08.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 6.08.030. Exhibition requirements.

(a) Only Class C licensees who have registered as exhibitors as required by this chapter shall be allowed to exhibit dangerous wild animals within the city.

- (b) At least one Class C licensee must be present at all times at each exhibition and in direct physical control of the dangerous wild animals being exhibited.
- (c) Public contact with dangerous wild animals shall be prevented by a secure enclosure with a secondary perimeter to avoid public contact with the animals.
- (d) Exhibitors must notify Environmental Services the Supervisor of Animal Control twenty business days prior to any exhibition within the city. The notice shall be in such manner as determined by the health officer Supervisor of Animal Control and shall include the date, time and location of each exhibition.
- (e) Prior to the conduct of any exhibition in the city, exhibitors shall file with the Environmental Services copies of USDA permits applicable to these regulations. Upon the request of the health officer, prior to, during or following an exhibition, exhibitors shall have available and present to the Environmental Services Supervisor of Animal Control or state health officials copies of health records, vaccination records and ownership records for the dangerous wild animals exhibited.
- (f) Exhibitors shall have a written protocol for first aid and medical attention in the event of an injury caused during exhibitions. Exhibitors shall maintain appropriate first aid equipment and supplies at an exhibition.
- (g) Exhibitors shall maintain liability insurance covering any exhibition in the city in the amount of at least two hundred fifty thousand dollars (\$250,000) and naming the city and Environmental Services as additional insureds insured. A copy of the insurance shall be provided to Environmental Services the City prior to the exhibition.
Any insurer shall notify Environmental Services the City in writing, of any expiration, reduction or cancellation of liability insurance required by this subsection not later than ten days before the expiration, reduction or cancellation takes effect. Any surety company who secures the performance of a bond shall notify Environmental Services the City in writing, of any expiration, reduction or cancellation of the bond as required by this subsection, not later than ten days before the expiration, reduction or cancellation takes effect.
- (h) All exhibitors shall comply with the requirements of Section 3.09.120 regarding care and maintenance of any dangerous wild animal.
- (i) All exhibitors shall be required to obtain an animal exhibition license pursuant to Section 3.09.020 of the Code of the City of Wichita.

SECTION 3. Section 6.08.060 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 6.08.060. Authorization.

- (a) Environmental Services The Chief of Police or designee shall make such rules and regulations as shall be reasonable and necessary to carry out the provisions of this chapter. This shall include the necessary forms, first aid and medical protocols, and informational material necessary for the registration of exhibitors, conduct of exhibitions and enforcement.
- (b) Environmental Services The Chief of Police or designee shall require the filing of bite reports pertaining to dangerous wild animals consistent with those of Chapter 6.04.
- (c) The health officer Chief of Police or designee shall be responsible for the enforcement of this chapter and is authorized to make such investigation, to issue notices, orders and directions as are necessary for such enforcement, and shall register exhibitors as herein required.

SECTION 4. Section 6.08.070 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 6.08.070. Hearings.

Any person affected by any interpretation or requirement of Environmental Services Animal Services or any administrative penalty ordered under this chapter may, within ten days of such, request in writing a hearing before the health officer Chief of Police or designee to show cause why such should be modified or made to not apply to such person. The health officer Chief of Police or designee or his or her designee shall hold the requested hearing as soon as practicable after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the health officer shall issue a written response to the person.

SECTION 5. The originals of Sections 6.08.010; 6.08.030; 6.08.060 and 6.08.070 and of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 6. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper. PASSED by the governing body of the City of Wichita, Kansas, this 24th day of May, 2011.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law